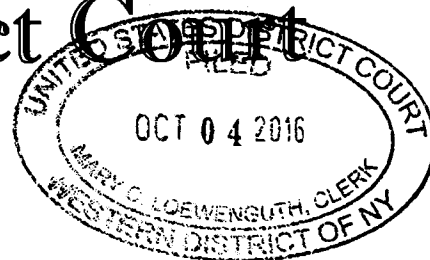


United States District Court

for the
Western District of New York



United States of America

v.

Case No. 16-M- 125

SHIRLEY ANNE FARAGALLI a/k/a
SHIRLEY ANNE CONNERS,
Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about April 19, 2016, in the Western District of New York, the defendant, SHIRLEY ANNE FARAGALLI a/k/a SHIRLEY ANNE CONNERS, violated Title 18, United States Code, Section 1015(f) [false claim to United States citizenship in order to vote] in that the defendant, knowing that she is a Canadian citizen and not a citizen of the United States, claimed that she was a United States citizen in order to vote in a Federal, State, or local election, the New York State Democratic Presidential Primary.

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Pawel Karczynski

Complainant's signature

Pawel Karczynski, Deportation Officer, ICE

Printed name and title

Sworn to before me and signed in my presence.

Date: October 4, 2016

Kenneth Schroeder, Jr.
Judge's signature

City and State: Buffalo, New York

KENNETH SCHROEDER, JR
UNITED STATES MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

**STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)**

Pawel Karczynski, being duly sworn, deposes and says that:

1. I have been employed with United States Immigration and Customs Enforcement ("ICE") for ten years. I was an Immigration Enforcement Agent for nine years and was promoted to Deportation Officer on September 20, 2015.
2. As a part of my duties during my employment with ICE, I have investigated a variety of violations of the Immigration and Nationality Act and violations of the United States Code, in particular, 18 U.S.C. § 1015, regarding fraud and false statements.
3. This affidavit is based upon my own knowledge, my review of official ICE records, and upon information that I obtained from other law enforcement officers involved with this investigation.
4. I make this affidavit in support of the annexed Criminal Complaint charging the defendant SHIRLEY ANNE FARAGALLI, a/k/a SHIRLEY ANNE CONNERS with a violation of 18 U.S.C. § 1015(f), knowingly making false statements by a non-citizen of the United States in order to vote in an election in the United States.

5. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only facts that I believe are necessary to establish probable cause to believe that a violation of 18 U.S.C. § 1015(f) has occurred.

6. On or about July 14, 2016, I received a telephone call from Erie County Probation Officer ("PO") Suzan Staszak. PO Staszak was preparing a Pre-Sentence Investigation Report for SHIRLEY ANNE CONNERS related to CONNORS' conviction in Cheektowaga Town Court for violating New York State Penal Law Section 190.78, Identity Theft in the Third Degree. During her review of CONNERS criminal history report, PO Staszak noted a prior arrest by the former United States Immigration and Naturalization Service, a place of birth as Canada, and an a/k/a of SHIRLEY ANNE FARRAGALLI.

7. A search of the official records of United States Citizenship and Immigration Services ("USCIS") revealed that Alien Registration Number XXX-XXX-477 is a valid alien registration number assigned to, SHIRLEY ANNE FARAGALLI, a native and citizen of Canada. Furthermore, a review of administrative Alien File under Alien Registration Number XXX-XXX-477 reveals no record of adjustment of status to that of a United States citizen or record of naturalization to that of a United States citizen. In addition, a thorough search of USCIS records did not reveal the existence of any additional immigration files for SHIRLEY ANNE FARAGALLI or a SHIRLEY ANNE CONNERS. According to the aforementioned, SHIRLEY ANNE CONNERS a/k/a SHIRLEY ANNE FARAGALLI is not a citizen of the United States.

8. FARAGALLI/CONNERS has a criminal record in Canada under file number 429200A.

9. CONNERS December 14, 1982 Judgment of Divorce in New York State Supreme Court: Erie County notes that CONNERS "is entitled to resume the use of her maiden name, to wit: Shirley A. FARAGALLI, should she so desire."

10. On or about July 25, 2016, the United States Department of Homeland Security received a set of fingerprints from the Canadian government, matching criminal records under Canadian file number 429200A. On or about July 25, 2016, the Federal Bureau of Investigation ("FBI"), through manual comparison, found the Canadian fingerprints to be identical to fingerprints assigned to FBI number 355356S4.

11. FBI number 355356S4 is associated with the following:

- a. FARAGALLI/CONNOR's Canadian criminal history;
- b. FARAGALLI/CONNOR's 1970 INS encounter that resulted in FARAGALLI/CONNOR's voluntary return to Canada, her departure was verified by INS on September 19, 1970;
- c. FARAGALLI/CONNOR's 1996 arrest in the United States that did not result in a conviction; and
- d. FARAGALLI/CONNOR's 2016 identity theft arrest.

12. In August of 1977, FARAGALLI/CONNOR's applied for a New York State marriage certificate with the Town of Amherst and on this document she listed her place of birth as Ontario, Canada.

13. FARAGALLI/CONNOR's son, James Alan Connors, was born on October 18, 1979. On the New York State Department of Health Certificate of Live Birth, FARAGALLI/CONNOR listed her place of birth as Ontario, Canada.

14. When applying for and receiving a United States Social Security Card in the 1970s, FARAGALLI/CONNOR noted her place of birth as Indiana. Also, FARAGALLI/CONNOR told PO Staszak that she was born in Indiana.

15. On or about July 22, 2016, Indiana State Department of Health verified that no record of birth could be found for SHIRLEY ANNE FARAGALLI or SHIRLEY ANNE CONNERS. A state wide search was conducted for years 1950 through 1955.

16. On or about July 20, 2016, the Erie County Board of Elections provided ICE a certified Voting History Report for SHIRLEY ANNE CONNERS. CONNERS has on at least four occasions, October 10, 2008, December 3, 2003, July 31, 1996, and September 15, 1993, knowingly made a false statement by swearing to a document wherein she claimed to be a United States citizen. CONNERS has claimed to be a United States citizen on at least 21 occasions between November 7, 1995 and April 19, 2016 by voting in various Federal, State,

and local elections. FARAGALLI/CONNERS last voted in the New York State Democratic Presidential Primary on April 19, 2016.

WHEREFORE, it is respectfully submitted that probable cause exists to believe that SHIRLEY ANNE FARAGALLI a/k/a SHIRLEY ANNE CONNERS did commit the crime of false claim to United States citizenship in order to vote in violation of 18 U.S.C. § 1015(f), in that she, a citizen and national of Canada, knowingly made a false statement or claim that she is a citizen of the United States in order to register to vote or to vote in any Federal, State, or local election.

Pawel Karczynski

Pawel Karczynski
Deportation Officer
Immigration and Customs Enforcement

Sworn to before me this 4th

day of October, 2016.

H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE